

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

DAVIOUS BOYD,

Plaintiff,

VS.

Warden COX, *et al.*

Defendants.

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NO. 5:23-CV-00198-MTT-CHW

ORDER

Pro se Plaintiff Davious Boyd, a prisoner confined at Ware State Prison located in Waycross, Georgia, filed a pleading titled “1983 Civil Lawsuit Complaint” but he failed to sign the pleading. ECF No. 1. On June 5, 2023, this Court notified Plaintiff that his complaint was unsigned and advised Plaintiff that pursuant to Rule 11 of the Federal Rules of Civil Procedure, “[e]very pleading, written motion and other papers must be signed by a party personally if the party is unrepresented”. Plaintiff was further instructed that he “must re-file your signed document within 21 days from the date of this notice” and that “[f]ailure to comply with this notice may result in dismissal of your case by the Court”. Plaintiff has failed to submit a signed complaint as instructed.

Every document filed with the Court by a *pro se* litigant must be signed by that litigant, and the Court is required to strike any unsigned document unless the omission of the signature is promptly corrected after being called to the litigant’s attention. Fed. R. Civ. P. 11(a). Therefore, Plaintiff’s complaint is **DISMISSED without prejudice** for

failure to comply with Rule 11 of the Federal Rules of Civil Procedure and for failure to follow the Court's instructions to submit a signed complaint. Fed. R. Civ. P. 11(a); Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)) ("The court may dismiss an action sua sponte under Rule 41(b) for failure to prosecute or failure to obey a court order.").

SO ORDERED, this 5th day of July, 2023.

S/ Marc T. Treadwell
MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT